

JOHN SAIN, Pro Se  
TDCJ ID# 01373168  
O.L. Luther Unit (P2)  
1800 Luther Dr.  
Navasota, TX 77868-4714

RECEIVED IN CHAMBERS

SEP 30 2019

LEE H. ROSENTHAL  
CHIEF U.S. DISTRICT JUDGE

September 23, 2019  
Clerk of Courts  
515 Rusk Street  
Houston, Tx 77002

or

Clerk of Courts  
P.O. Box 61010  
Houston, Tx 77208

Re: Civil Action No. 4:18-cv-04412

Style: Plaintiffs' Motion and Notice

Dear Clerk,

Please find included and file the below:

**NOTICE TO APPEAL**

Please bring these filings to the attention of the Court for a hearing and rulings.

Thank you for your assistance filing and initiating this Motion.

For questions and immediate assistance filing, please phone Tim Sain @ 817-307-9087 or @ T.Sain@yahoo.com

I can be contacted at the address listed above.

Respectfully,

  
JOHN SAIN, Pro Se



### **CERTIFICATE OF CONFERENCE**

Whereby their signatures below, Plaintiffs do hereby certify/declare that a conference is not possible because Plaintiffs are incarcerated in Texas Department of Criminal Justice, Institutional Division, and are proceeding Pro Se in this cause. Plaintiffs will not speculate on whether the Defendants oppose this motion.

### **CERTIFICATE OF SERVICE**

Whereby their signatures below, Plaintiffs do hereby certify/declare that true and correct copies of the foregoing document was forwarded via U.S. First Class Mail, postage pre-paid, to the following parties:

- a. Bryan Collier  
TDCJ Executive Director  
Texas Department of Criminal Justice
- b. James McKee  
Warden  
O.L Luther Unit (P2)
- c. Texas Department of Criminal Justice  
c/o Bryan Collier  
TDCJ Executive Director

Service was perfected to the above Defendants through their Attorneys of Record for Service:

**Todd Disher**

Attorney In Charge  
Office of Attorney General of Texas  
209 W 14<sup>th</sup>, 8<sup>th</sup> Floor  
Austin, TX 78701

**Leah Jean O'Leary**

Office of the Attorney General  
Law Enforcement Defense Division  
P.O. Box 12548 Capital Station  
Austin, TX 78711-2548

### **CERTIFICATE OF MAILING**

Whereby their signatures below, Plaintiffs do hereby certify/declare that the foregoing document was delivered to the United States Post Office for processing (U.S. First Class postage, pre-paid).

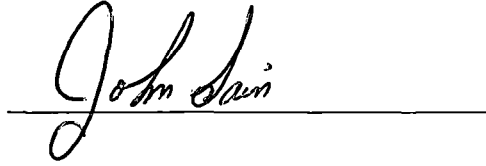
Pursuant to Fed. R. App. P. Rule 25 (a)(2)(A)(iii), "Mailbox Rule," Pro se documents filed at the time they are placed in the institutional mailing system for processing.

### **INMATE DECLARATION**

We, the Plaintiffs listed below, being over 18 years of age, of sound mind, capable of making this declaration due to the facts that we: suffer from and/or experience(d) one or more of the conditions described; attended consultations with qualified medical and other professionals; having been trained by medical personnel to recognize and treat complications due to illness/heat/cold; having studied materials listed under Fed. R. Civ. P. Rule 902; through our personal observations; and due to belief and empirical knowledge that the facts stated above; pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury that the foregoing is true and correct from personal knowledge.

Executed on September 23, 2019

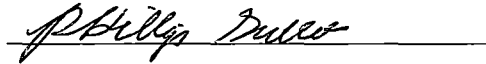
JOHN SAIN, Pro Se  
TDCJ ID# 01373168  
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Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "John Sain", written over a horizontal line.

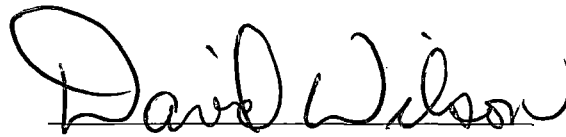
DAVID CUMMINGS, Pro Se  
TDCJ ID# 02153663  
O.L. Luther Unit (P2)  
1800 Luther Dr.  
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "David Cummings", written over a horizontal line.

PHILLIP GULLETT, Pro Se  
TDCJ ID# 01672020  
O.L. Luther Unit (P2)  
1800 Luther Dr.  
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "Phillip Gullett", written over a horizontal line.

DAVID WILSON, Pro Se  
TDCJ ID# 01648044  
O.L. Luther Unit (P2)  
1800 Luther Dr.  
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "David Wilson", written over a horizontal line.